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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Access Charge Reform )

CC Docket No. 96-262

Price Cap Performance Review )  
For Local Exchange Carriers )

CC Docket No. 94-1

Transport Rate Structure and Pricing )

CC Docket No. 91-213

Usage of the Public Switched Network )  
By Information Service and )  
Internet Access Providers )

CC Docket No. 96-263

REQUEST FOR AN EXTENSION OF TIME  
TO FILE COMMENTS BY THE  
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS

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(202) 898-2200

January 17, 1997

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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**REQUEST FOR AN EXTENSION OF TIME  
TO FILE COMMENTS BY THE  
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS**

Pursuant to Sections 1.46 and 1.44 of the Federal Communication Commission's ("FCC" or "Commission") General Rules of Practice and Procedure, 47 C.F.R. Sections 1.46 and 1.44 (1996, the National Association of Regulatory Utility Commissioners ("NARUC") respectfully requests that the Commission extend the time for filing initial comments on the Notice of Proposed Rulemaking that issued in this proceeding December 24, 1996 by one week to February 3, 1997, and defer reply comments to February 24, 1997. NARUC seeks no extension with respect to the dates established for response to the Notice of Inquiry incorporated in the same document.

In support of this request, NARUC states the following:

## **I. NARUC'S INTEREST**

NARUC is a quasi-governmental nonprofit organization founded in 1889. NARUC includes within its membership those governmental bodies of the fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands, which engage in the regulation of carriers and utilities. These State officials are charged with, among other things, the duty of regulating the telecommunications common carriers within their respective borders. That charge requires these regulators to assure the establishment of such communications services and facilities as may be required by the public convenience and necessity, and the furnishing of service at rates that are just and reasonable. Because (i) State access charge regimes often mirror the Federal rules, and (ii) of the acknowledged relationship between access charges, State pro-competitive initiatives, and universal service, the FCC's proposed action in this proceedings clearly raises issues of critical importance to NARUC's State commission membership.

## **II. BACKGROUND**

On December 24, 1996, the FCC issued a Notice of Proposed Rulemaking ("NPRM"), a Notice of Inquiry ("NOI"), and A Third Report and Order. These orders, inter alia, instigate a review of the FCC's access charge rules, together with its price cap rules, to establish fair rules of competition for both the local and long distance markets. The FCC must determine how to revise these rules in light of (i) the local competition and Bell entry provisions of the 1996 Act, (ii) state actions to advance local competition, (iii) the effects of potential and actual competition on incumbent LEC pricing for interstate access, and (iv) the impact of the mandate to preserve/enhance universal service.

### **III. CURRENT COMMENT DATES**

The December 24, 1996 NPRM sets (i) January 27, 1997 as the date for interested persons to file initial comments, and (ii) February 13, 1997 as the final day to reply to those initial comments.

### **IV. THE NEED FOR ADDITIONAL TIME**

NARUC has long been interested in Access Charge reform. We have participated vigorously in almost every rulemaking or generic proceeding files seeking reform of those rules. Because of the importance of the issues presented by the NPRM, discussion/issue papers have been circulating among NARUC's Communication Committee since early this year. Indeed, shortly after the notice issued, NARUC established a Staff task force to examine the NPRM, draft a summary of the NPRM for distribution to NARUC's members, and propose areas of the NPRM that NARUC should provide some input upon.

Typically, NARUC acts by resolution. However, the comment cycle established requires comment before NARUC's next meetings in February. When NPRMs issue of such obvious importance to State commissions between meetings, and no specific authorizing resolution is available, a more time-consuming and cumbersome draft review process involving representatives of the majority of the State membership is employed.

For a myriad of reasons, it does not appear that NARUC will be able to achieve consensus on the variety of issues that could benefit from a State perspective in time to file January 27.

The (i) timing of the release of the NPRM on Christmas Eve, (ii) the difficulty of assembling needed staff in diverse jurisdictions and arranging coordinating conference calls during the holidays, (iii) the sweeping nature of the NPRM, (iv) the need to distribute successive drafts for approval from numerous commissions, and (v) the recent spate of activity requiring the concentrated attention of all of the NARUC committee staff that are needed to work on these comments, e.g., the continuing activity in the Universal Service and related dockets, the ongoing press to conclude ongoing State arbitration proceedings that began in November and continues into this month, etc. - all have caused delay that diminishes NARUC's capacity to provide needed comment on the NPRM.

#### **V. RATIONALE FOR REQUEST**

NARUC has been an active participant in the bulk of previous dockets that involved or suggested Part 69 reform. Indeed, the NPRM cites previous NARUC submissions. Cf. NPRM, ¶ 256, note 347, mimeo at 113. The FCC's proposed action (i) clearly raises issues of concern to NARUC's state commission membership and (ii) could impact upon these members' ability to adhere to their respective mandates to serve the public interest. No other participant's filed initial and reply comments can adequately represent the viewpoint of NARUC and its membership. This viewpoint is necessary to fully illuminate the issues raised by the FCC's proposal and assure a complete record upon which to base a decision. Hence, granting the requested extension will serve the public interest by ensuring NARUC's full participation. Moreover, the additional week will result in more carefully considered comments from all participants.

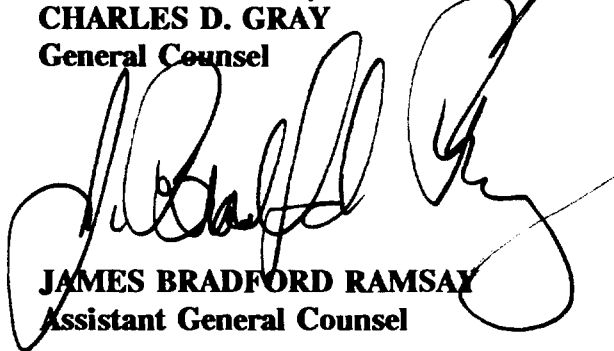
## **VI. REQUEST**

Accordingly, because of the critical importance of the issues raised by the FCC's NPRM to NARUC's membership, NARUC's inability to formulate a consensus position on those critical issues by the currently scheduled initial comment date, NARUC respectfully requests the FCC extend the January 27, 1996 initial comment date on the NPRM by one week to February 3, 1997, and defer reply comments to February 24, 1997.

Respectfully submitted,



**CHARLES D. GRAY**  
General Counsel



**JAMES BRADFORD RAMSAY**  
Assistant General Counsel

**National Association of  
Regulatory Utility Commissioners**

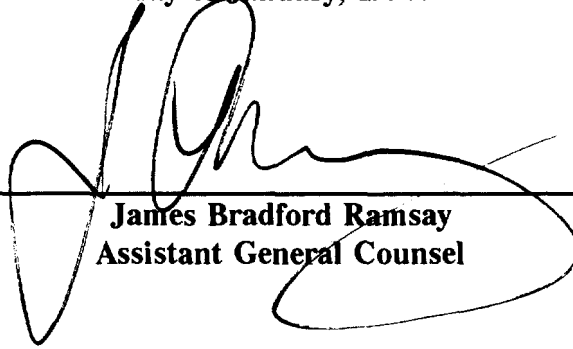
**1201 Constitution Avenue, Suite 1102  
Post Office Box 684  
Washington, D.C. 20044**

**(202) 898-2200**

**January 16, 1997**

**CERTIFICATE OF SERVICE**

**I, JAMES BRADFORD RAMSAY, certify that I have served a copy of the foregoing on all the parties on the attached service list by first class mail, postage prepaid, this 16th day of January, 1997.**

A handwritten signature in black ink, appearing to read 'JBR', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

**James Bradford Ramsay  
Assistant General Counsel**